

REMARKS

In the final Office Action, the Examiner rejected claims 17 and 18 U.S.C. § 102(e) as anticipated by Kodialam et al. (U.S. Patent No. 6,538,991); rejected claims 2-4, 6-8, and 10-12 under 35 U.S.C. § 103(a) as unpatentable over Benmohamed et al. (U.S. Patent No. 6,795,399) in view of Mitra et al. (U.S. Patent No. 6,721,270); and rejected claims 14-16 under 35 U.S.C. § 103(a) as unpatentable over Benmohamed et al. in view of Debey (U.S. Patent No. 6,519,693).

By this Amendment, Applicant proposes amending the title to improve form, canceling claims 2-4, 6-8, 10-12, and 14-18 without prejudice or disclaimer, and adding new claims 19-27. No new matter is added by way of this Amendment. Claims 19-27 will be pending after entry of this Amendment.

Applicant respectfully submits that the rejection of claims 2-4, 6-8, 10-12, and 14-18 is moot due to the proposed cancellation of these claims. Applicant also respectfully submits that claims 19-27 are patentable over Kodialam et al., Benmohamed et al., Mitra et al., and Debey (hereinafter referred to as the "cited references"), whether taken alone or in any reasonable combination.

New independent claim 19 is directed to a system for identifying a path for a multiple point communication service within a network that includes a plurality of ingress nodes and a plurality of egress nodes and a plurality of links connecting to the ingress nodes and the egress nodes. The system comprises means for setting an objective function for minimizing a link load in the network; means for setting a first constraint expression for deriving the link load; means for generating a second constraint expression for selecting a route for data traffic received by the ingress nodes; means for generating a third constraint expression for calculating a link band for

the links based on the data traffic received by the ingress nodes; means for generating a fourth constraint expression to assure that a link capacity limit associated with the links is not exceeded; and means for identifying a path for the multiple point communication service based on the objective function and the first, second, third, and fourth constraint expressions.

The cited references, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 19. For example, none of the cited references discloses or suggests means for identifying a path for the multiple point communication service based on an objective function for minimizing a link load in the network, a first constraint expression for deriving the link load, a second constraint expression for selecting a route for data traffic received by the ingress nodes, a third constraint expression for calculating a link band for the links based on the data traffic received by the ingress nodes, and a fourth constraint expression to assure that a link capacity limit associated with the links is not exceeded to identify a path for a multiple point communication service. In other words, none of the cited references discloses or suggests these five pieces of information and, therefore, the cited references cannot disclose or suggest means for identifying a path for the multiple point communication service based on these five pieces of information, as required by claim 19.

For at least these reasons, Applicant submits that claim 19 is patentable over the cited references, whether taken alone or in any reasonable combination. Claims 20 and 21 depend from claim 19 and are, therefore, patentable over the cited references for at least the reasons given with regard to claim 19. Claims 20 and 21 are also patentable over the cited references for reasons of their own.

For example, claim 20 recites that the means for setting the objective function, the means

for setting the first constraint expression, the means for generating the second constraint expression, the means for generating the third constraint expression, and the means for generating the fourth constraint expression operate in parallel. None of the cited references discloses these five pieces of information and, therefore, the cited references cannot disclose or suggest setting or generating this information in parallel, as required by claim 20.

For at least these additional reasons, Applicant submits that claim 20 is patentable over the cited references.

Claim 21 recites that input data rates are associated with the ingress nodes and output data rates are associated with the egress nodes, and the multiple point communication service permits an arbitrary data rate within a range based on the input data rates and the output data rates. None of the cited references discloses the multiple point communication service recited in claim 19 and, therefore, the cited references cannot disclose or suggest that the multiple point communication service permits an arbitrary data rate within a range based on the input data rates and the output data rates, as required by claim 21.

For at least these additional reasons, Applicant submits that claim 21 is patentable over the cited references.

Independent claims 22 and 25 recite features similar to, but possibly different in scope from, features recited in claim 19. Claims 22 and 25 are, therefore, patentable over the cited references, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 19.

Claims 23 and 24 depend from claim 22, and claims 26 and 27 depend from claim 25. Claims 23, 24, 26, and 27 are, therefore, patentable over the cited references for at least the

reasons given with regard to claims 22 and 25. Claims 23, 24, 26, and 27 also recite features similar to features recited in claims 20 and 21. Claims 23, 24, 26, and 27 are, therefore, also patentable over the cited references for at least reasons similar to reasons given with regard to claims 20 and 21.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, LLP

By: /Paul A. Harrity/
Paul A. Harrity
Registration No. 39,574

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11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800